IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 40 of 1995

Hon'ble MR.JUSTICE Y.B.BHATT
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1.   Whether Reporters of Local Papers may be allowed
        to see the judgements?

2.   To be referred to the Reporter or not?

3.   Whether Their Lordships wish to see the fair copy
        of the judgement?

4.   Whether this case involves a substantial question
        of law as to the interpretation of the Constitution
        of India, 1950 of any Order made thereunder?

5.   Whether it is to be circulated to the Civil Judge?

MUNICIPAL CORP OF AHMEDABAD CITY
Versus
VIPUL N SHAH

Appearance:
     MR SK JHAVERI for Appellant
     MR PK PANCHOLI for Respondent

CORAM : MR.JUSTICE Y.B.BHATT
Date of decision: 10/09/96

ORAL JUDGEMENT
1.   This appeal was admitted on 26th July 1996.

2.   At the joint request of learned counsel for the
respective parties this appeal is taken up for final
hearing today.

3.   Learned counsel for the appellant has drawn my
attention to a decision of the Division Bench of this
Court (B.N. Kirpal C.J. & R.K. Abichandani J.) in the
case of Municipal Corporation of Ahmedabad Vs. Oriental

Insurance, reported at 1994(2) GLH page 433.

4. Having discussed the aforesaid decision, and having discussed the impugned judgement in Municipal Valuation Appeal No.21323/92, a consensus has been arrived at between the learned counsel for the respective parties. It is obvious that the impugned decision was rendered before the aforesaid decision of the Division Bench of this court.

5. Furthermore, having discussed the impugned judgement, it becomes apparent that the principles laid down in the aforesaid Division Bench decision have not been followed.

6. On the basis of the aforesaid consensus the impugned decision is quashed and set aside. The matter is remanded back to the Small Causes Court and the Municipal Valuation Appeal No.21323/92 is directed to be reheard and decided on merits in the light of the principles laid down by the aforesaid decision of the Division Bench of this Court.

7. Accordingly the present appeal is allowed with no order as to costs.

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